

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 24, 2010

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and S. Stahl, Deputy Clerk.

B212669 County of Los Angeles v. Indiana Lumbermens Mutual Insurance

Argument waived, cause submitted.

B211932 Shalant

B214302 v.

Girardi, et al.

Merits:

Argued by Brian A. Yapko for appellant, by Joseph L. Shalant in propria persona, by Shawn McCann for respondents Girardi and by Rebecca R. Weinreich for respondent National Union Insurance. Cause submitted.

Mallano, PJ leaves the bench.

B217337 Oyefule

v.

Rabousky

Merits:

Argued by Frank Oyefule in propria persona and by Kathryn Albarian for respondent. Cause submitted.

Mallano, PJ returns to the bench.

DIVISION ONE (continued)

Rothschild, J. leaves the bench.

B208730 Bomersheim
 v.
 Los Angeles Gay and Lesbian Center

Merits:
Argued by Nicholas A. Boylan for appellant and by David P. Pruett for respondent. Cause submitted.

Rothschild, J. returns to the bench.

Chaney, J. leaves the bench.

B217830 Dembrowski
 v.
 City of West Hollywood, et al.

Merits:
Argued by Mark L. Stermitz for appellant, by John C. Cotti for respondent City of West Hollywood and by William W. Stockbauer for respondent Venice Investments, et al. Cause submitted.

B213864 Hollander, et al.
 v.
 XL Capital Ltd, et al.

Merits:
Argued by A. Tod Hindin for appellants and by Forrest Booth for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:24 a.m.

Present: Mallano, P.J., Rothschild, J., Johnson, J. and S. Stahl, Deputy Clerk.

March 24, 2010 (Continued)

DIVISION ONE (continued)

B211550	Levaton, et al.
	v.
	Levaton, et al.

Merits:

Argued by Rosario Perry for appellant and by Jeffery E. Lieber for respondents. Cause submitted.

Court adjourned.

DIVISION TWO

B217346 People (Not for Publication)
v.
Robinson

The Court:

The judgment is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION THREE

B210891 People (Not for Publication)
v.
Augustine Ricky Villa

The conviction on count 3, grand theft, is reversed. The clerk of the superior court is ordered to prepare an amended abstract of judgment so reflecting, and to transmit the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

[illegible]

The judgment is modified under count 2 (grand theft) to reflect that the eight-month term of imprisonment is stayed and that the one-year enhancement (§ 667.5, subd. (b)) is stricken. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect the modifications to appellant's sentence under count 2, and to forward a copy of the amended abstract of judgment to the California Department of Corrections and Rehabilitation.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B218907 In re Michael Penniewell on Habeas Corpus (Not for Publication)

The order of the Superior Court of Los Angeles County entered August 19, 2009, granting Penniwell's petition for a writ of habeas corpus, reinstating the Board's decision of April 5, 2006, vacating the Governor's reversal of the Board's grant of parole, and releasing Penniwell from prison, is affirmed. The stay of the superior court's August 19, 2009 order is lifted. In the interests of justice, this opinion is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.387 (b)(3)(A).)

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

March 24, 2010 (Continued)

DIVISION FOUR (continued)

B216146 Martinez (Not for Publication)
v.
Girgis, M.D. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

B196643 People
v.
Emerald R., et al.

Filed order modifying opinion. Petitions for rehearing are denied. (No change in the judgment)

DIVISION FIVE

B215471 Los Angeles County, D.C.F.S.
v.
F.G.
In re G.G., A Person Coming Under the Juvenile Court Law

Filed order vacating submission order of December 2, 2009. Cause resubmitted.

DIVISION SIX

B206856 People (Not for Publication)
v.
Quentin Shaun Dimitris

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B216355 Jessie Rodriguez (Not for Publication)
v.
Victoria Ventura Healthcare LLC., dba Victoria Care Center et al.

We vacate the award for \$125,290 fees against Ensign and affirm the judgment, as modified. The parties shall bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B215207 People (Not for Publication)
v.
Finnegan

The \$510 fee imposed under section 11372.7, subdivision (a) is ordered stricken. The trial court is directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

March 24, 2010 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B213073 People v. Johnson (Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B215322 People (Not for Publication)
v.
Coulson

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

March 24, 2010 (Continued)

DIVISION SIX (continued)

B215133 People (Not for Publication)
v.
Mundell

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B217692 People (Not for Publication)
v.
Hunt

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

B212357 People (Not for Publication)
v.
Sajor-Reeder

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

DIVISION SEVEN (continued)

B215473 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jaime C.

The order is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
 Zelon, J.

B213436 Jeff Mullins (Not for Publication)
v.
California Horse Racing Board

The judgment is affirmed. Defendant shall recover costs on appeal.

Jackson, J.

We concur: Perluss, P.J.
 Zelon, J.

B217676 People (Not for Publication)
v.
Hill

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B209982 Bhaktivedanata Book Trust
 v.
 Kary et al.,
 International Society for Krishna Consciousness

Filed order denying petition for rehearing.

B202637 Evans et al.,
B196909 v.
B201949 Sheen
B202637 Howell et al.,
B209064

Filed order denying petition for rehearing.